

Bruce T. Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
June 27, 2013

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

WORLD BOTANICAL GARDENS, INC.,

Debtors.

CASE NO.: BK-N-13-50833-btb
Chapter 11

**ORDER GRANTING EX PARTE
APPLICATION OF DEBTORS PURSUANT
TO 11 U.S.C. § 327(a), FED. R. BANKR. P.
2014(a), 2016(b) AND 5002, AND LOCAL
RULE 2014, AUTHORIZING THE
RETENTION AND EMPLOYMENT OF
DARBY LAW PRACTICE, LTD.
AS COUNSEL TO THE DEBTOR**

EX PARTE
/ No hearing required

Upon the application, dated June 17, 2013 (the "Application"), of Debtor and Debtor in possession, WORLD BOTANICAL GARDENS, INC., for an order pursuant to Section 327(a) of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code"), Rules 2014(a), 2016(b) and 5002 of the Federal Rules of Bankruptcy Procedure (as amended, the

1 “Bankruptcy Rules”) and Rule 2014 of the Local Rules of Bankruptcy Procedure for the District of
2 Nevada (as amended, the “Local Rules”), authorizing the retention and employment of Kevin A.
3 Darby, Esq. of Darby Law Practice, Ltd. (“Darby Law Practice”) as counsel to the Debtors and this
4 Court having considered the Declaration of Kevin A. Darby in support of the Application (the
5 “Darby Declaration”); and the Court being satisfied, based on the representations made in the
6 Application and the Darby Declaration, that Darby Law Practice represents or holds no interest
7 adverse to the Debtors or the estate with respect to the matters upon which Darby Law Practice is
8 to be engaged and is a “disinterested person,” as such term is defined in Section 101(14) of the
9 Bankruptcy Code, as modified by Section 1107(b) of the Bankruptcy Code; and the Court having
10 jurisdiction to consider the Application and the relief requested therein in accordance with 28
11 U.S.C. §§ 157 and 1334; and consideration of the Application and the relief requested therein
12 being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court
13 pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Application having been
14 provided, and it appearing that no other or further notice need be provided; and the relief requested
15 in the Application being in the best interests of the Debtor and its estate and creditors; and the
16 Court having determined that the legal and factual bases set forth in the Application establish just
17 cause for the relief granted herein; it is hereby

18 **ORDERED** that the Application is granted in its entirety; and it is further

19 **ORDERED** that pursuant to Section 327(a) of the Bankruptcy Code and
20 Bankruptcy Rules 2014(a), 2016(b) and 5002, the Debtors’ employment and retention of Darby
21 Law Practice as counsel in accordance with Darby Law Practice’s normal hourly rates and
22 disbursement policies as set forth in the Darby Declaration, and pursuant to the Fee Agreement
23 effective as of the Petition Date, is approved; and it is further

24 **ORDERED** that Darby Law Practice shall apply for compensation and
25 reimbursement in accordance with the procedures set forth in Sections 330 and 331 of the
26 Bankruptcy Code, applicable Bankruptcy Rules, applicable Local Rules, guidelines established by
27 the Office of the United States Trustee for the District of Nevada, and such other procedures as
28 may be fixed by order of this Court; and it is further

1 **ORDERED** that the prepetition retainer monies paid to Darby Law Practice and not
2 expended for prepetition services and disbursements shall be held by Darby Law Practice as a
3 general retainer as security throughout the Debtors' bankruptcy case until Darby Law Practice's
4 fees and expenses are awarded and payable to Darby Law Practice on a final basis, and it is further

5 **ORDERED** that the terms and conditions of this order shall be immediately
6 effective and enforceable upon his entry; and it is further


7 **ORDERED** that notice of this Application as provided therein shall be deemed
8 good and sufficient notice of the Application.

9 **IT IS SO ORDERED.**

10 SUBMITTED BY:

11 By: /s/ Kevin A. Darby
12 KEVIN A. DARBY, ESQ. (NV SB #7670)
13 Darby Law Practice, Ltd.
14 4777 Caughlin Parkway
Reno, Nevada 89519
(775) 322-1237

15 APPROVED:

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17 By: _____
18 Attorney for Acting United States Trustee
19 August B. Landis

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